

ENTERED

August 31, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONPEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC.,

Plaintiff.

VS.

M. KATHERINE BANKS,

Defendant.

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CIVIL ACTION NO. 4:20-CV-2913

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On June 22, 2021, Defendant Michael K. Young's Motion to Dismiss (Dkt. 16) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). *See* Dkt. 30. Judge Edison filed a Memorandum and Recommendation on August 13, 2021, recommending that Plaintiff be given an opportunity to file a Second Amended Complaint and that Defendant Michael K. Young's Motion to Dismiss (Dkt. 16) be **DENIED AS MOOT**. *See* Dkt. 35.

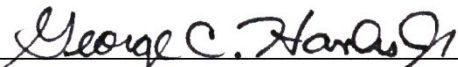
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 35) is **APPROVED and ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff shall file a Second Amended Complaint by **September 10, 2021**; and
- (3) Defendant Michael K. Young's Motion to Dismiss (Dkt. 16) is **DENIED AS MOOT**.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 31st day of August, 2021.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE